

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	0

### MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 4-33-2-6.5 IS ADDED TO THE INDIANA CODE
- 4       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5       1, 2008]: **Sec. 6.5. "Development agreement" means an agreement**
- 6       **that:**
- 7       **(1) is between:**
- 8       **(A) the direct or indirect holder of an owner's license or**
- 9       **operating agent contract; and**
- 10       **(B) either:**
- 11       **(i) a person; or**
- 12       **(ii) a unit of local government; and**
- 13       **(2) sets forth the holder's financial commitments to support**

1           **economic development in a unit or a geographic region."**

2           Page 1, line 4, delete "an operating agent or a holder of an owner's  
3 license" and insert "**a direct or indirect holder of an owner's license**  
4 **or operating agent contract**".

5           Page 1, between lines 5 and 6, begin a new paragraph and insert:

6           "SECTION 3. IC 4-33-4-22.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2008]: **Sec. 22.5. For the purpose of:**

9           **(1) administering, regulating, and enforcing the system of**  
10 **riverboat gambling established under this article; or**

11 **(2) protecting or enhancing the credibility and integrity of**  
12 **gambling operations authorized by this article;**

13 **the commission has jurisdiction and supervision over development**  
14 **agreements and incentive payments."**

15           Page 2, line 3, delete "operating agent or the person holding an  
16 owner's license that" and insert "**commission**".

17           Page 2, line 4, delete "made the incentive payments".

18           Page 2, line 15, after "(d)" delete "The" and insert "**Before**  
19 **February 1 of each year, the**".

20           Page 2, line 16, delete "at least thirty (30) calendar days before" and  
21 insert "**for the preceding calendar year**".

22           Page 2, delete lines 17 through 29, begin a new paragraph and  
23 insert:

24           **"(e) The commission may order an operating agent or a person**  
25 **holding an owner's license to withhold one (1) or more incentive**  
26 **payments from a recipient if the commission makes a finding at a**  
27 **public hearing that:**

28           **(1) the reports submitted by the recipient under subsection (c)**  
29 **are incomplete or inaccurate;**

30           **(2) the amounts paid to the recipient are not sufficiently**  
31 **benefiting the economic development of the geographic area**  
32 **intended; or**

33           **(3) payment of the incentive payments adversely affects the**  
34 **credibility and integrity of the riverboat gambling industry in**  
35 **Indiana.**

36           **(f) Any amounts withheld from a recipient under subsection**  
37 **(e)(1) and (e)(2) must be paid to the commission for deposit into an**  
38 **interest bearing account. The commission may release the withheld**

- 1        **amount and any interest attributable to the withheld amount to the**
- 2        **recipient upon a finding at a public hearing that the recipient's**
- 3        **activities and use of the incentive payments that it receives will**

1       **sufficiently benefit the economic development of the geographic**  
2       **area intended."**

3       Renumber all SECTIONS consecutively.  
      (Reference is to SB 255 as printed January 25, 2008.)

**and when so amended that said bill do pass.**

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Representative Lawson L